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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/685,949	10/13/2003	Fred Fessenden	FES02 P-300	7649

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PRICE HENEVELD COOPER DEWITT & LITTON, LLP
695 KENMOOR, S.E.
P O BOX 2567
GRAND RAPIDS, MI 49501

EXAMINER	
BENSON, WALTER	

ART UNIT	PAPER NUMBER
2858	

DATE MAILED: 12/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	**Application No.** 10/685,949	**Applicant(s)** FESSENDEN, FRED
	Examiner Walter Benson	**Art Unit** 2858

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 October 2003*.
2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☒ Claim(s) *21-24* is/are allowed.
6)☒ Claim(s) *1-4 and 11-20* is/are rejected.
7)☒ Claim(s) *5-10* is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on *13 October 2003* is/are: a)☐ accepted or b)☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a)☐ All b)☐ Some * c)☐ None of:
1.☐ Certified copies of the priority documents have been received.
2.☐ Certified copies of the priority documents have been received in Application No. _____.
3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *10/13/03*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-24 are presented for examination.

Specification

2. The disclosure is objected to because of the following informalities:

Item IA shown in Fig. 1 is not described in the specification.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-4, 11-12, and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bohl et al (US Patent No. 4,736,480 and Bohl hereinafter) in view of Zook (US Patent No. 6,552,522 and Zook hereinafter).

5. As to claims 1 and 12, Bohl discloses a tester for checking electrical continuity of a wire, the tester being adapted for use with an existing continuity checker having a rod-type pointed probe substantially as claimed, the tester comprising:

a pliers tool including first and second levers pivoted together, and defining first and second jaws, respectively, and also first and second handles, respectively; the first jaw including a protrusion adapted to pierce insulation on the wire and make contact with an electrical conductor inside the wire [col. 3, lines 44-49];

a universal connector attached to a side of the first lever and electrically coupled to the protrusion, the universal connector defining an elongated cavity [col. 3 lines 29-30] adapted to loosely receive the probe of the existing continuity checker so that different probes of unknown diameter and length can be engaged, and the universal connector including a retainer spring adapted to slidingly engage and bias the probe toward a side of the cavity, with at least one of the first lever and the retainer spring being in electrical contact with the probe, the retainer spring being adapted to frictionally engage the probe in a lateral direction to positively retain the probe within the cavity so that the continuity tester and the pliers tool can be manipulated as a unit for one-handed operation by a repairman (20-21, Fig. 1; col. 3, lines 34-40);

where the tester is adapted for secure attachment to the existing continuity checker and is adapted for one-handed manipulation and use by the repairman to test continuity of the wire (col. 3, lines 26-27).

Bohl does not expressly disclose:

the second jaw including a mating pocket adapted to receive and hold the wire while the protrusion is piercing the wire.

Nonetheless, these features are well known in the art and would have been an obvious modification of the apparatus disclosed by Bohl, as evidenced by Zook.

Zook discloses a tool for diagnosing and repairing defective wires having:

the second jaw including a mating pocket adapted to receive and hold the wire while the protrusion is piercing the wire (40, Fig 3; col. 3, lines 49-51).

Given the teaching of Zook, a person having ordinary skill in the art at the time of the invention would have readily recognized the desirability and advantages of modifying Bohl by employing the well known or conventional features of continuity testers, such as disclosed by Zook, in order to prevent damage to the insulation surrounding the wire.

6. As to claim 2, Bohl discloses a tester for checking electrical continuity of a wire, the tester comprising:

where the first lever is made of a conductive material so that the first jaw and first handle are electrically connected (col. 3, lines 26-30).

7. As to claims 3 and 17, Bohl discloses a tester for checking electrical continuity of a wire, the tester comprising:

where the universal connector is attached to a side surface of the first handle ((col. 3, lines 30-33).

8. As to claims 4 and 18, Bohl discloses a tester for checking electrical continuity of a wire, the tester comprising:

where the universal connector is attached to a side surface of the first handle (col. 3, lines 30-33).

9. As to claim 11, Bohl discloses a tester for checking electrical continuity of a wire, the tester comprising:

a first sleeve that telescopingly engages a side of the first handle and includes the universal connector in a position beside a handle where the universal connector is adapted to minimize a combined length of the pliers tool and an existing continuity tester engaging the universal connector (20, 21, Fig. 1; col. 3, lines 26-30).

10. As to claim 19, Bohl discloses a tester for checking electrical continuity of a wire, the tester comprising:

a third member, the first member, second member, and third member being tubular and shaped to releasably engage and make electrical contact with the first jaw, the second jaw, and handle, the universal connector being on the third member (col. 3, lines 44-49).

11. As to claim 20, Bohl discloses a tester for checking electrical continuity of a wire, the tester comprising:

where the universal connector includes a retaining spring electrically connected to the protrusion on the first member (col. 3, lines 34-40).

12. Claims 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bohl in view of Zook as applied to claims 1 and 12 above, and further in view of Simon et al. (US2004/0216239 and Simon hereinafter).

Although the combine teaching of Bohl in view of Zook shows substantial features of the claimed invention (discussed in the paragraphs above), it fails to disclose:

where the first member includes opposing portions that are adapted to frictionally engage the first jaw [claim 13];

where the first and second members each are constructed to telescopingly engage the first jaw and the second jaw [claim 14];

where the first and second members are tubular and include a flat side to non-rotatably engage the first and second jaws [claim 15];

where the first and second members include a tab for frictionally and removably engaging the first and second jaws [claim 16].

Nonetheless, these features are well known in the art and would have been an obvious modification of the apparatus disclosed by Bohl in view of Zook, as evidenced by Simon.

Simon discloses a device combining a handled tool with one or more test components for testing electrical circuits having:

> where the first member includes opposing portions that are adapted to frictionally engage the first jaw [claim 13] ([0025], lines 9-12) to retain the testing component on the handle;

where the first and second members each are constructed to telescopingly engage the first jaw and the second jaw [claim 14] ([0023, lines 4-7) to accommodate the testing components;

where the first and second members are tubular and include a flat side to non-rotatably engage the first and second jaws [claim 15] ([0024, lines 5-8) to accommodate the handle end of the first member on the tool ;

where the first and second members include a tab for frictionally and removably engaging the first and second jaws [claim 16] (0025], lines 11-12).

Given the teaching of Bohl in view of Zook, a person having ordinary skill in the art at the time of the invention would have readily recognized the desirability and advantages of modifying Bohl in view of Zook by employing the well known or conventional features of continuity testers, such as disclosed by Simon, in order to integrate testing components with the hand tool and for the purposes discussed above.

Allowable Subject Matter

13. Claims 21- 24 are allowed.

The prior art of record fails to teach in combination as claimed an apparatus including a first sleeve adapted to telescopingly slip onto a free end of the first jaw, the first sleeve including a pointed protrusion that faces laterally and that is adapted to pierce insulation on the wire and make contact with an electrical conductor inside the wire, and including a resilient first retainer adapted to snappingly frictionally engage the first jaw. A second sleeve adapted to telescopingly slip onto the second jaw, including a pocket facing laterally and that is adapted to receive and hold the wire while the protrusion is piercing the wire, and including a resilient second retainer adapted to snappingly frictionally engage the second jaw.

14. Claims 5-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Walter Benson whose telephone number is (571) 272-2227. The examiner can normally be reached on Mon to Fri 6:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, N. Le can be reached on (571) 272-2233. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Walter Benson
Walter Benson
Patent Examiner

December 20, 2004